

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JUNE 1, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: DEAN AUSILIO
ROGER KRZEMINSKI
KENNETH MEERSCHAERT, SR.
JOA PENZIEN
ARNOLD THOEL

ABSENT: None.

ALSO PRESENT: Jerome R. Schmeiser, Community Planning Consultant
Larry Dloski, Township Attorney
(Additional attendance on file with Clerk)

Call Meeting to Order

Chairman GALLAGHER called the meeting to order 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call.

Clerk KOEHS called the Roll. All members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by AUSILIO seconded by PENZIEN to approve the amended agenda.

MOTION carried.

3. Approval of the May 18, 2004 previous meeting minutes

MOTION by THOEL seconded by KRZEMINSKI to approve the May 18, 2004 previous meeting minutes.

MOTION carried.

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AGENDA ITEMS:

4. Final Preliminary Plat; Twin Rivers Subdivision Phase 1 (156 lots); Located on the east side of Romeo Plank Road approximately 1000 feet north of Hall Road; Vincent DiLorenzo, Petitioner. Part of Permanent Parcel No. 08-33-376-014
(Tbld. at the May 18, 2004 Planning Meeting)

Tabled at the petitioners request for 30 days. The item is scheduled for the July 6, 2004 Planning Commission Meeting.

5. Rezoning Request; Commercial Local (C-1) to Commercial General (C-2); Located on the southeast corner of 25 Mile Road and Garfield Road; Sal DiMercurio, Petitioner. Permanent Parcel No. 08-08-101-050 &003

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Bill Thompson

Public Portion: None

The Members of the Planning Commission Board reviewed the request.

MOTION by AUSILIO seconded by THOEL to forward the recommendation to the Township Board of Trustees to rezone this property from Commercial Local (C-1) to Commercial General (C-2); Permanent Parcel No. 08-08-101-050 &003. This motion is based upon the Planning Consultants recommendations as follows:

1. **The proposed rezoning is consistent with the goals of the Master Plan.**
2. **The proposed rezoning is consistent with the development of the surrounding properties.**

MOTION carried.

6. Site Plan; Park Lane Plaza; Located on the northeast corner of North Avenue and 21 Mile Road; Nicholas Lubnik, Petitioner. Permanent Parcel No. 08-25-351-011

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Nicholas Lubnik

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Public Portion: Several Township residents expressed their concerns regarding flooding issues.

The Members of the Planning Commission Board reviewed the request.

MOTION by AUSILIO seconded by PENZIEN to approve the Site Plan; Park Lane Plaza; Located on the northeast corner of North Avenue and 21 Mile Road; Nicholas Lubnik, Petitioner. Permanent Parcel No. 08-25-351-011. This motion is based upon the Planning Consultants recommendations as follows:

- 1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
- 2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
- 3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.**
- 4. The curb radii, curb cuts, including their location, deceleration lanes and other geometrics and designs are subject to approval by the Macomb County Road Commission, Michigan Department of Transportation, and the Township Engineer.**
- 5. Sidewalks to be provided to the satisfaction of the Township Engineer.**
- 6. Light fixtures or light standard must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties.**
- 7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall constructed on a continuous foundation and be secured with screened gates. The "hung" type wall that is with panels hung on channeled pillars, shall not be allowed. All walls to be constructed with a pointed cap the to be 45 degrees.**

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8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. That handicap parking be provided per the requirements of the State and ADA (American Disabilities Act).
10. That all signs be designated on the site plan and meet the Township Ordinances.
11. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding flood plains and/or wetlands to determine any building limitations.
12. MDEQ-That specific conditions and approvals regarding changes to the 100 year flood plain be done with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment of the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
13. That any required wall or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, which is with panel hung or channeled pillars, shall not be allowed.
14. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the Macomb County Drain office.
15. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office.
16. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.

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17. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
18. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
19. That all requirements of the Zoning Ordinance be met.
20. That the petitioner be made aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
21. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
22. That the plant material be extended to all the parking areas on both sides of the drain to shield lights from the residential areas.

MOTION carried.

7. Ground Sign; FEC Fastening Automation; Located on the southwest corner of Angelo Drive and Milano Drive; Mid Michigan Neon, Petitioner. Permanent Parcel No. 08-18-475-008

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Ross Morosko

Public Portion: None

MOTION by KRZEMINSKI seconded by THOEL to approve Ground Sign; FEC Fastening Automation; Located on the southwest corner of Angelo Drive and Milano Drive; Mid Michigan Neon, Petitioner. Permanent Parcel No. 08-18-475-008. This motion is based upon the Planning Consultants recommendations as follows:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. That the ground sign be limited to 32 square feet.

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3. **That a \$500.00 cash bond be posted assuring the construction of the sign as approved.**

MOTION carried.

8. Temporary Ground Sign; The Rivers Estates; Located on the south side of 23 Mile Road ¼ mile east of Card Road; Sal-Mar Farm Limited, Petitioner.
Permanent Parcel No. 08-23-100-011

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Not present

Public Portion: A Township resident expressed concerns as to the location of the sign.

MOTION by AUSILIO seconded by KRZEMINSKI to adopt the recommendation and approve the Temporary Ground Sign; The Rivers Estates for a period of one year to expire June 1, 2005. Permanent Parcel No. 08-23-100-011. This motion is based upon the Planning Consultants recommendations as follows:

1. **That Section 10.0319 of the Zoning Ordinance be met.**
2. **All necessary permits must be obtained form the Building Department prior to any sign construction.**
3. **That the ground sign be limited to 32 square feet.**
4. **That the approval be for a period of one year, at which time the petitioner will apply for an extension. Please note that this sign will be the only permitted sign location for this parcel. There shall be no other builder signs, real estate signs, etc located on 23 Mile Road and Summit View Drive.**
5. **That a \$500.00 cash bond be posted assuring the construction of the sign as approved.**

MOTION carried.

9. Land Division Variance; Woodview Subdivision; Located approximately ½ mile north of future 22 Mile Road and approximately ½ mile east of North Avenue.
Fairchild Investments, Petitioner. Permanent Parcel No. 08-24-251-002

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

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Petitioner Present: Craig Duckwitz

Public Portion: Several Township residents expressed their concerns.

The Members of the Planning Commission Board reviewed the request.

MOTION by KRZEMINSKI seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Land Division Variance; Woodview Subdivision; Located approximately ½ mile north of future 22 Mile Road and approximately ½ mile east of North Avenue. Fairchild Investments, Petitioner. Permanent Parcel No. 08-24-251-002. This motion is based upon the Planning Consultants recommendations as follows:

Section 17-132 (d) – elimination of a stub street to access to the property to the east. The variance is recommended to be approved conditioned upon the development of the plat with a temporary turn-a-around at the end of the an east/west stub street connecting the 86' collector road easements at the parks.

MOTION carried.

10. Revised Site Plan; Fire Station No. 2 Wireless Communication Tower; Located on the south side of 21 Mile Road approximately 2000' west of Romeo Plank Road; T-Mobile, Petitioner. Permanent Parcel No. 08-32-201-011

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Mark Daveman representative on behalf of T-Mobile

The Members of the Board held further discussion reviewing the item.

Larry Dloski, Township Attorney, stated that in order for this request to be constructed, a ground lease is required to be negotiated with the Township along with a refundable deposit in rent for the Master Lease. Mr. Dloski suggested that any approval should be conditioned on that. Any building permits have to be conditioned on negotiating the Master Lease and approval with the Township and payment of all the economic financial considerations under the term for the lease.

Public Portion: A Township resident expressed his concerns regarding the statistics involving lighting striking the Tower in question.

The petitioner and Planning Commission Board addressed the residents concerns.

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MOTION by KRZEMINSKI seconded by AUSILIO to approve the Revised Site Plan; Fire Station No. 2 Wireless Communication Tower, with the added conditioned that there will be a Master Lease, Ground Lease and a Financial Lease concerning this property. That the cabinet be enclosed with the identical fencing and suitable landscaping. That any building permit will be conditioned on the Ground Lease and payment of the finical remunerations in the Master Lease. Permanent Parcel No. 08-32-201-011. This motion is based upon the Planning Consultants recommendations as follows:

- 1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
- 2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
- 3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.**
- 4. The curb radii, curb cuts, including their location, deceleration lanes and other geometrics and designs are subject to approval by the Macomb County Road Commission, Michigan Department of Transportation, and the Township Engineer.**
- 5. Sidewalks to be provided to the satisfaction of the Township Engineer.**
- 6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
- 7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If**

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additional dumpsters are to be located on the site, each must be enclosed in like manner.

- 8. An acceptable method of surety, such as a corporate surety bond or cash bond, in the amount to be approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.**
- 9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.**
- 10. That handicap parking be provided per the requirements of the State and ADA (American Disabilities Act).**
- 11. That all signs be designated on the site plan and meet the Township requirements.**
- 12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding flood plains and/or wetlands to determine any building limitations.**
- 13. MDEQ-That specific conditions and approvals regarding changes to the 100 year flood plain be done with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment of the flood plain map as prepared by FEMA, prior to the issuance of any building permits.**
- 16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's Office and submit (2) plans on 11" x 17 " paper.**

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17. That any future splitting and/or division of any property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. That since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be made aware that a Certificate of Zoning Compliance and Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no light or glare from the lights will shine into the abutting residential areas.
24. That the cabinet be enclosed with identical fencing and suitable landscaping.

MOTION carried.

11. Revised Site Plan; Legacy Estates Subdivision; Village I-III, Preserve I-III and Park I-II; Located on the east side of North Avenue south of future 22 Mile Road; H & R Investments, Petitioner. Permanent Parcel No. 08-25-100-016

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Paul Henderson

Public Portion: A Township resident expressed her concerns.

MOTION by KOEHS seconded by PENZIEN to follow the Planning Consultants recommendation and approve the Revised Site Plan; Legacy Estates Subdivision;

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**Village I-III, Preserve I-III and Park I-II; Permanent Parcel No. 08-25-100-016.
This motion is based upon the Planning Consultants recommendations as follows:**

- 1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
- 2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
- 3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.**
- 4. The curb radii, curb cuts, including their location, deceleration lanes and other geometrics and designs are subject to approval by the Macomb County Road Commission, Michigan Department of Transportation, and the Township Engineer.**
- 5. Sidewalks to be provided to the satisfaction of the Township Engineer.**
- 6. Light fixtures or light standard must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
- 7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall constructed on a continuous foundation and be secured with screened gates.
All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.**
- 8. An acceptable method of surety, such as a corporate surety bond or cash bond, in the amount to be determined by the Township Engineer be posted,**

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- assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. That the petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As built Plans". The "As Built Plans" will be compared to with the stamped approved Site Plan Drawing to help determined the readiness for release of said Bond.
 10. That handicap parking be provided per the requirements of the State and ADA (American Disabilities Act).
 11. That all signs be designated on the site plan and meet the Township requirements.
 12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
 13. MDEQ-That specific conditions and approvals regarding changes to the 100 year flood plain be done with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment of the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
 14. That any required wall or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, which is with panel hung on channeled pillars, shall not be allowed.
 15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the Macomb County Drain office.
 16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan

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- approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" X 17" paper.
17. That any future splitting and/or division of any property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
 18. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
 19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
 20. That all requirements of the Zoning Ordinance be met.
 21. That since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether noted on the plan herein presented or not, to remain in full force and effect.
 22. That the petitioner be aware of that a Certificate of Zoning Compliance and Certificate of Occupancy must be obtained prior to the occupation of the proposed buildings.
 23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.
 24. That 22 Mile Road must be paved from North Avenue east to Spine Road (Legacy Blvd) and the Legacy Blvd must be paved from 22 Mile Road south to the emergency access drive to the satisfaction of the RCMC prior to construction permits by the Water/Sewer or Building Department. When 200 construction permits have been approved, the applicant must complete the 22 Mile Road paving to the east property line before any additional permits may be issued.
 25. That the emergency road that connects to Legacy Blvd must be shifted south of the gatehouse on Legacy Blvd to the satisfaction of the Consulting Engineer.
 26. That Condominium Documents including the Master Deed are clear as to ownership and maintenance of the two large basins in the center of the

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- development. The Township Engineer, Assessor and Attorney must sign off that they are satisfied as to this issue.
27. The Township Assessor must be provided with legal descriptions for each different type of development with the exception of the Market Apartments.
28. That revised drawings must be submitted as referenced above including:
- a. The overall drawing with phases by development type must be submitted on one sheet at a true scale of 1"= 200' rather than 1"=400' and the unknown scale submitted. Sheet LP-1 must contain this information.
 - b. There must be separate drawings for each development type with the phases included within each development type. The 1" =50' scale is acceptable. A lesser scale 1" = 60' may be used, however, if the layout would not fit a 1" = 50'. The match lines must be by development type rather than by quadrant as drawn.
 - c. The school district boundary remains undetermined on your drawings. Sheet LP-2 indicates the boundary for the only the south 850' of the parcel. There is no indication where the boundary is beyond the north line of the existing single – family residence. The school district must be clearly shown on sheet LP-1.
29. That the buildings constructed within 'The Park at Legacy Estates'; the two unit buildings, shall have floor plans that establish a minimum of 25' setback from the front of the garage to the inside edge of the sidewalk parallel to the street. To assure such a requirement is complied with all units within this development shall be reviewed by the Building Official and Planning Department.

MOTION carried.

The Planning Commission recessed at 10:05 p.m. The Planning Commission reconvened at 10:10 p.m.

12. Request to approve the Revised Final Preliminary Plat; Westminster Subdivision (lots 1-203); Located on the north side of 22 Mile Road approximately ½ mile east of Hayes Road; Grand Sakwa Macomb Airport LLC, Petitioner. Permanent Parcel No. 08-19-200-012

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

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Petitioner Present: Craig Duckwitz

Public Portion: None

MOTION by KOEHS seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Request to approve the Revised Final Preliminary Plat for two years to expire June 9, 2006; Westminister Subdivision (lots 1-203); Permanent Parcel No. 08-19-200-012. This motion is based upon the Planning Consultants recommendations as follows:

1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.
6. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.

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7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after final preliminary plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of

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Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.

MOTION carried.

13. Revised Site Plan; Westminster Corners North; Located on the southeast corner of 23 Mile Road and Hayes Road; Grand Sakwa Macomb Airport, LLC, Petitioner. Permanent Parcel No. 08-19-100-006

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Gary Cooper

Public Portion: A Township resident expressed her concerns regarding passing lanes.

MOTION by KRZEMINSKI seconded by MEERSCHAERT to approve the Revised Site Plan; Westminster Corners North; with the condition that Kingsway Drive must be completed prior to any permits issued. Permanent Parcel No. 08-19-100-006. This motion is based upon the Planning Consultants recommendations as follows:

1. **The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
2. **The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
3. **The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.**
4. **The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.**

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5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.

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14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.
24. That Kingsway Drive must be put it before any permits are issued.

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MOTION carried.

14. Special Land Use Wetland Mitigation; Westminister Subdivision # 2 (lots 204-294); Located approximately ¼ mile east of Hayes Road; Grand Sakwa Macomb Airport, LLC, Petitioner. Permanent Parcel No. 08-19-200-012

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Craig Duckwitz

Public Portion: None

Member THOEL addressed his concerns.

MOTION by AUSILIO seconded by PENZIEN to approve the Special Land Use Wetland Mitigation; Westminister Subdivision # 2 (lots 204-294); Permanent Parcel No. 08-19-200-012, pursuant to the recommendation of the Planning Consultant and with the items numerated by the Planning Consultant as follows:

1. The petitioner complies with the conditions of the MDEQ Permit # 03-50-0210P.
2. That the applicants submits documentation to the Township Engineer that the conditions of the permit are being satisfied by the applicant.
3. That the petitioner receives site plan approval for the development of the wetland area.
4. That the area shall be permanently and in perpetuity part of the open space for the Westminister Subdivision No. 2. It shall never be split off and made separate from said subdivision.

MOTION carried.

15. Site Plan Wetland Mitigation Westminister Subdivision #2 (lots 204-494); Located approximately ¼ mile east of Hayes Road; Grand Sakwa Macomb Airport, LLC, Petitioner. Permanent Parcel No. 08-19-200-012

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Craig Duckwitz

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Public Portion: None

MOTION by AUSILIO seconded by KOEHS to approve the Site Plan Wetland Mitigation Westminister Subdivision #2 (lots 204-494); Permanent Parcel No. 08-19-200-012. Pursuant to the recommendation of the Planning Consultant enumerated in items 1-3 as follows:

1. **The petitioner complies with the conditions of the MDEQ Permit No. 03-50-0210P that controls subject property.**
2. **That the applicant submits documentation to the Township Engineer that the conditions of the permit are being satisfied by the applicant.**
3. **An acceptable method of surety, such as a corporate surety bond or cash bond, in the amount of established by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the conditions of the MDEQ permit. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period.**

MOTION carried.

16. Final Preliminary Plat; Westminister Subdivision # 2 (lots 204-494); Located on the north side of 22 Mile Road approximately ½ mile east of Hayes Road; Grand Sakwa Macomb Airport LLC, Petitioner. Permanent Parcel No. 08-19-200-012

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Craig Duckwitz

Public Portion: Township residents expressed their concerns regarding 22 Mile Road, Hayes Road and Garfield Road.

Larry Dloski, Township Attorney, stated where the roads connect there has to be a description that the monument points are for a public road. The access road will be built with the plat showing the access out to Hayes Road. The liber and page number must be indicated where the right-of-way is dedicated for this area on the plat. Mr. Dloski stated that this will suffice his recommendation for approval based upon the conditions mentioned above and state approvals. Mr. Dloski discussed the additional condition that the road must be built as part of the plat.

Clerk KOEHS reviewed that the plans came in to our office this afternoon showing the liber and page indicating that the document was recorded providing access out to Hayes Road.

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MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Westminster Subdivision # 2 (lots 204-494); with the added caveat that the road must be built as part of the plat. Permanent Parcel No. 08-19-200-012. This motion is based upon the Planning Consultants recommendations as follows:

1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.
6. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.

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7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after final preliminary plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of

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Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.

MOTION carried.

17. Final Preliminary Plat; Chelsea Court (14 lots); Located south of 22 Mile Road approximately ½ mile west of Heydenreich Road; Cornerstone Land Development, Petitioner. Permanent Parcel No. 08-28-200-025

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Craig Duckwitz

Public Portion: None

MOTION by AUSILIO seconded by THOEL to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Chelsea Court (14 lots); Permanent Parcel No. 08-28-200-025. This motion is based upon the Planning Consultants recommendations as follows:

1. **The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:**
 - a. **Macomb County Road Commission**
 - b. **Office of Public Works Commission of Macomb County**
 - c. **Macomb County Health Department**
 - d. **Macomb County Planning Commission**
 - e. **Michigan Department of Environmental Quality**
 - f. **All public utility companies affected**
 - g. **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.**
2. **That the Township Engineer approves all engineering plans for the computed plat.**
3. **That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**

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4. **Further that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
5. **That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.**
6. **Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility for the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
7. **That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.**
8. **That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
9. **That the “landscape easement”; that area labeled on the plat as, “The entire common area is subject to a private easement dedicated to the ownership association for landscaping” has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released.**
10. **That the final preliminary approval expires two years from the date of the Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.**
11. **All street names be cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits two (2) copies of the plat to the supervisor’s office for addressing. Addressing will be assigned after Final Preliminary Plat approval by the Township Board.**

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12. That the temporary street name posts be installed upon completion of the paving. The posts as indicted by the Fire Department are to be 4"x4" black posts with two inch white letters so the that the street can be easily identified during the construction of the plat.
13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.
15. That the assurances for the development of 22 Mile Road in accordance with Township action be provided via a bond with the Engineering Consultant and submittal of proof of dedication of right-of-way.

MOTION carried.

18. Final Preliminary Plat; Gloede Park (59 lots); Located on the northeast corner of 21 Mile Road and Garfield Road (excluding the immediate corner); Michele Ventimiglia, Petitioner. Permanent Parcel No. 08-30-400-020

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Michele Ventimiglia and John Cavaliere. The petitioners discussed the 8' sidewalk on Garfield, the drain relocation to the west 60', and the connection of White Plans Drive to Garfield Road when Garfield Road is improved.

Public Portion: Several Township residents expressed their concerns with the proposal.

The Planning Commission Board further reviewed the proposal.

MOTION by AUSILIO seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Gloede Park (59 lots); Permanent Parcel No. 08-30-400-020. This motion is based upon the Planning Consultants recommendations as follows:

1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in

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compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:

- h. Macomb County Road Commission**
 - i. Office of Public Works Commission of Macomb County**
 - j. Macomb County Health Department**
 - k. Macomb County Planning Commission**
 - l. Michigan Department of Environmental Quality**
 - m. All public utility companies affected**
 - n. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.**
- 2. That the Township Engineer approves all engineering plans for the computed plat.**
- 3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
- 5. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.**
- 6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility for the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
- 7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.**
- 8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**

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9. That the “landscape easement”; that area labeled on the plat as, “The entire common area is subject to a private easement dedicated to the ownership association for landscaping” has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
10. That the final preliminary approval expires two years from the date of the Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.
11. All street names be cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits two (2) copies of the plat to the supervisor’s office for addressing. Addressing will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicted by the Fire Department are to be 4”x4” black posts with two inch white letters so the that the street can be easily identified during the construction of the plat.
13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The ‘Restrictive Covenants’ must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners’ Association for the subdivision have been approved by the Township Attorney. The ‘Articles of Incorporation’ must be approved by the Township Attorney before an application will be received for Final Plat.

MOTION carried.

OLD BUSINESS: None

NEW BUSINESS: None

PLANNING COMMISSION: None

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PLANNING CONSULTANTS COMMENTS: None

19. Motion to receive and file all correspondence in connection with this agenda.

MOTION by PENZIEN seconded by KOEHS to receive and file all correspondence with this agenda.

MOTION carried.

ADJOURNMENT:

MOTION by AUSILIO seconded by KOEHS to adjourn the meeting at 11:20 P.M.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, Secretary
Minutes prepared by: Michael D. Koehs, Township Clerk
MDK/gmb